

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14746 of 2004

Between:

Marri Mahender Reddy,

S/o Late Marri Krishna Reddy,
R/o Plot No. 15, ICRISAT Colony,

Phase I, Tadbund, Secunderabad.

..... PETITIONER

AND

1. The Collector, Hyderabad District.
2. The Revenue Divisional Officer, Hyderabad.
3. The Mandal Revenue Officer,

Tirumalgherry Mandal, Secunderabad.

4. The National Highways Authority of India,

Rep. by its Project Director
at 6-1-132/65, Skandagiri, Near Water Tank,

Padmarao Nagar, Secunderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of writ of mandamus by declaring the action of the respondents in dispossessing the petitioner from an extent of Ac1.00 and seeking to dispossessing the petitioner from an extent of Ac. 4-00 in Sy.No. 33 (new) 11 (old) Bowenpally Village, Tirumalgherry Mandal, without following due process of law as illegal, arbitrary and violative of article 300 A of Constitution of India.

Counsel for the Petitioner: MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: Mr. S. Niranjan Reddy

The Court made the following:

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ORDER:

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The petitioner claims to be the joint owner and possessor of agricultural land admeasuring Ac.10-00 in Sy.No.33 (New) corresponding to old S.No.11 situate at Bowenpally Village, Tirumalgherry Mandal, Secunderabad, apart from other lands inherited from his late father filed the present writ petition stating that about more than 30 years back a 22' wide road was carved out from their land in Sy.No.33 leading from Secunderabad to Medchal via Bowenpally, for that the petitioner did not receive any compensation. While so, the authorities have surveyed the lands belonging to the petitioner about Ac.5-00 which is lying vacant and the respondents are engaging men and machinery for digging operations for laying the road without following any due procedure.

Sri S.Niranjan Reddy, Standing counsel for the 4th respondent submits that only survey operations were conducted to know the exact area which is likely to be affected for laying the road and if any land is required for such purpose, necessary proceedings contemplated under the provisions of the National Highways Act, 1956 or Land Acquisition Act for issuing necessary notification and necessary

compensation will be paid to the land owners.

In view of the same, the respondents are directed that unless the lands which are likely to be notified and due procedure followed, the petitioner cannot be dispossessed and road cannot be laid through his lands.

The Writ Petition is accordingly, disposed of. No order as to costs.

A.GOPAL REDDY, J

Dated: 31-08-2004

LSK/KMR

To

1. The Collector, Hyderabad District.
2. The Revenue Divisional Officer, Hyderabad.
3. The Mandal Revenue Officer,

Tirumalgherry Mandal, Secunderabad.

4. Two C.Cs. to the Government Pleader for Revenue,

High Court Buildings, Hyderabad, (OUT)

5. Two C.D. copies.